

REMARKS

Claims 1-33 are pending in the present application. Claims 1, 3-12, 14-18, 20-30, 32, and 33 have been rejected. Claims 4, 15, 21, and 33 have been objected to and were amended in the amendment dated December 21, 2006. Claims 2, 13, 19, and 31 have been canceled in a prior amendment.

Allowable Subject Matter

The Examiner objected to claims 4, 15, 21, and 33 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have rewritten claims 4, 15, 21, and 33 in independent form including all of the limitations of the base claim and any intervening claims in the amendment dated December 21, 2006. Applicants thank the Examiner for the allowable subject matter and respectfully submit that claims 4, 15, 21, and 33 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3, 5-12, 14, 16-18, 20, 22-30, and 32 were rejected as being unpatentable over U. S. Patent 6,049,716 to Jung (hereinafter "Jung") in view of TIA/EIA (ANSI/TIA/EIA-95-B-1999) (hereinafter "TIA/EIA"). This rejection is respectfully traversed.

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that a prima facie case of obviousness has not been established regarding claims 1, 3, 5-12, 14, 16-18, 20, 22-30, and 32 because the prior art cited does not teach or suggest all the claim limitations.

Applicants' previously amended claim 1 recites: "wherein the mobile station is configured to modify a set of transmission parameters in response to the network directing the

mobile station to enter or leave soft handoff, wherein the transmission parameter comprises a frame size, wherein if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size.” This limitation is not found in either the Jung or TIA/EIA references cited by the examiner.

Jung teaches or suggests a method for providing a soft swap handoff in a CDMA communication system. Pilot signal strengths of newly detected base stations that are above a predetermined level are compared with those of the base stations presently in the active state. If the pilot signal strength of a newly detected base station is above the predetermined level and is also stronger by a prescribed value than the weakest base station in the active state, the base station controller (BSC) instructs the mobile station to drop the weakest base station in the present active state. (Abstract, col. 3, lines 11-67) Despite careful study of the Jung reference, Applicants’ are unable to find any teaching or suggestion that the “... wherein if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size.”

The examiner states that “Jung fails to specifically disclose the transmission parameter comprises a frame size, wherein if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size. However, TIA/EIA teaches the transmission parameter comprises a frame size (page 7-133, lines 24-32).” Applicants respectfully disagree that TIA/EIA teaches this limitation. The cited portion of TIA/EIA reads as follows:

The base station sends handoff related parameters on the Paging Channel in the *System Parameters Message* and the *Extended System Parameters Message*.

The base station may revise handoff related parameters for a mobile station operating on the Traffic Channel by sending the *In-Traffic System Parameters Message*.

The base station may modify the values of the parameters SRCH_WIN_A, T_ADD, T_DROP, T_COMP, and T_TDROP through the *Extended Handoff Direction Message* or the *General Handoff Direction Message*. In addition, the base station may also modify the values of the parameters SRCH_WIN_N, SRCH_WIN_R, SOFT_SLOPE, ADD_INTERCEPT, and DROP_INTERCEPT through the *General Handoff Direction Message*.

None of the items cited in the portion of the reference cited by the examiner make any reference to frame size. The items cited refer to parameters used by the system in selecting base stations to consider for soft handoff and membership in the various sets such as active, neighbor, and candidate sets. Despite careful study of the TIA/EIA reference, Applicants are unable to find any teaching or suggestion of "wherein the mobile station is configured to modify a set of transmission parameters in response to the network directing the mobile station to enter or leave soft handoff, wherein the transmission parameter comprises a frame size, wherein if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size."

Furthermore, combining Jung and TIA/EIA does not result in Applicants' invention. Combining Jung and TIA/EIA would result in a system that utilized the system parameters to TIA/EIA to determine which base stations to consider for a soft swap handoff. Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn.

In the Advisory Action the Examiner states:

In contrast to applicant's assertions, the examiner directs the applicant to TIA/EIA(ANSI/TIA/EIA-95-b-1999). TIA/EIA (ANSI/TIA/EIA-95-B-1999) clearly disclose "wherein the mobile station is configured to modify a set of transmission parameters in response to the network directing the mobile station to enter or leave soft handoff (see Jung, fig. 1-3, col. 2, line 3 to col. 3, line 67), wherein the transmission parameter comprise a frame size (soft handoff depending on the determine information (frame size))(see TIA/EIA, page 7-133, lines 24-33), wherein if the mobile station is directed to enter soft handoff (measuring a change in a PN phase of specific pilot)(see TIA/EIA, fig B-7), the frame size is set to a first frame size (see TIA/EIA, page 7-133, lines 24-32, the base station may revise handoff related parameters for a mobile station operating on the traffic channel by sending the in-traffic system parameters message) and wherein if the mobile station is directed to leave soft handoff (see TIA/EIA, fig. B-7), the frame size is set to a second size (see TIA/EIA, page 7-133, lines 24-32, the base station may revise handoff related parameters for a mobile station operating on the traffic channel by sending the in-traffic system parameters message)".

Applicants respectfully submit that the cited sections do not and cannot teach or suggest the claim limitation "wherein the mobile station is configured to modify a set of transmission parameters in response to the network directing the mobile station to enter or leave soft handoff, wherein the transmission parameter comprises a frame size, wherein if the mobile station is directed to enter soft handoff, the frame size is set to a

first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size" because the mobile station in the cited portion of the TIA/EIA reference is not yet in soft handoff. Furthermore, the mobile station is configured to modify a set of transmission parameters in response to being directed to enter soft handoff by the network. In contrast, in the TIA/EIA reference, all modification of the transmission parameters and the direction to enter soft handoff is performed by the base station. No mention of any action performed by the mobile station is found in the cited paragraphs of TIA/EIA, PAGE 7-133. Applicants therefore, respectfully request that the rejection be withdrawn.

Claim 3 depends from claim 1 and is allowable for the same reasons given above for claim 1. In addition, claim 3 is allowable as Jung in combination with TIA/EIA does not teach the limitation "wherein the first size is greater than the second size". The examiner cites Jung col. 1, line 55 to col. 2 line 19 as teaching this limitation, and also cites TIA/EIA page 7-133, lines 24-32 as teaching it. Applicants respectfully disagree. Jung col. 1, line 55 to col. 2, line 19 teaches measuring the pilot strengths of potential base stations and how those base stations may be used in soft handoff. Jung is completely silent regarding frame size. TIA/EIA, as discussed above is also silent regarding frame size. Applicants respectfully request that the rejection of claim 3 be withdrawn.

Claims 5-9 depend directly or indirectly from claim 1 and are allowable for the same reasons given above for claims 1.

Claim 10 is allowable for the same reasons given above for claim 1.

Claims 11, 12, 14-17 depend directly from claim 10 and are allowable for the same reasons given above for claim 10. In addition, claim 14 is allowable for the same reasons given above for claim 3.

Claim 18 is allowable for the same reasons given above for claim 1.

Claims 20-26 depend directly or indirectly from claim 18 and are allowable for the reasons given above for claim 1. In addition, claim 20 is allowable for the same reasons given above for claim 3.

Claim 22 depends directly from claim 18 and is allowable for the same reasons given above for claims 1 and 2.

Claim 27 is allowable for the same reasons given above for claims 1.

Claims 28-33 depend directly or indirectly from claim 27 and are allowable for the same reasons given above for claim 1.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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